

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION

JOHN M. MEYER, JR. and
SEISMIC SCIENCES, INC.

Plaintiffs,

Case No. 06-C-998

V.

ANDREY BERG, SEISMO ELECTRIC
SOUNDINGS, INC., KYO SUN KIM, and
ROBERT D. FRANCIS,

Defendants.

**DECLARATORY JUDGMENT
AND ORDER OF DISMISSAL WITH PREJUDICE**

WHEREAS, the Plaintiffs, Andrey Berg and Robert D. Francis having entered into a confidential agreement dated May 2, 2007 in settlement of the subject matter involved in the above action, and having stipulated to the entry of a judgment in the above action and to the dismissal of the action with prejudice, IT IS HEREBY ORDERED that:

1. Any and all interest in all methodologies, technologies, methods, and techniques related to or used in hydrocarbon exploration (including hydrocarbon detection and hydrocarbon prospecting) using any combination of seismic waves and electromagnetic fields, whether now in existence or hereafter developed, including but not limited to the Induced Electrokinetic Effect (IEK), Electrostatic parametric effect, Electrostatic parametric techniques, Electropropagation Effect, Seismo Electromagnetic Effect, Infrasonic Electrokinetic Effect, or any other related or similar technology regardless of appellation, including but not limited to technologies used in the detection and/or ranging of subsurface hydrocarbon reservoirs, whether marine, land, or in well (collectively, the "Technology"), which Plaintiff Andrey Berg or Plaintiff Robert D. Francis currently holds, at any time heretofore held, or may hereafter acquire belongs to Seismic Sciences, Inc.
2. Any and all interest in all intellectual property subject to (i) that certain Technology Transfer Agreement by and between Andrey E. Berg and James E. Franklin, dated July 7, 2003, and/or (ii) that certain Technology Transfer Agreement

by and between Andrey E. Berg and Seismo Electric Soundings, Inc., dated on or about September 9, 2005, which Plaintiff Andrey Berg or Plaintiff Robert D. Francis currently holds, at any time heretofore held, or may hereafter acquire belongs to Seismic Sciences, Inc.

3. Any and all interest in all inventions, patents and patent applications relating to the Technology, and all continuation applications, continuation-in part-applications, divisional applications, reissued patents, design patents, and foreign counterparts of such patents and patent applications, which Plaintiff Andrey Berg or Plaintiff Robert D. Francis currently holds, at any time heretofore held, or may hereafter acquire belongs to Seismic Sciences, Inc., including but not limited to the following patents and patent applications (and the inventions described therein): (i) United States Patent 7,042,801 (system for geophysical prospecting using induce electrokinetic effect), (ii) United States Patent 7,106,065 B1 (method of geologic exploration for subsurface deposits), (iii) United States Patent Application 10/865,524 (system for geophysical prospecting using induce electrokinetic effect), (iv) United States Patent Application 11/241,643 (method of seismo electromagnetic detecting of hydrocarbon deposits), (v) United States Patent Application 11/264,642 (method of geologic exploration for subsurface deposits), (vi) United States Patent Application 11/283,041 (Publication No. 20060153004) (system for geophysical prospecting using induced electrokinetic effect), and (vii) United States Patent Application 60/772,608 (detection and ranging of hydrocarbon deposits). The foregoing shall include any and all priority rights and/or convention rights under the International Convention for the Protection of Industrial Property, Inter-American Convention Relating to Patents, Designs and Industrial Models, and any other international agreements to which the United States of America adheres, and any other benefits accruing or to accrue to either Plaintiff Andrey Berg or Plaintiff Robert D. Francis with respect to the filing of applications for patents or securing of patents in the United States and countries foreign thereto.
4. Any and all interest in all technical developments, know-how, and trade secrets, including but not limited to the Russian Trade Secrets listed on Exhibit "A" to the confidential settlement agreement by and among Andrey Berg, Robert D. Francis, Seismic Sciences, Inc., and John M. Meyer, Jr., relating to the Technology which Plaintiff Andrey Berg or Plaintiff Robert D. Francis currently holds, at any time heretofore held, or may hereafter acquire belongs to Seismic Sciences, Inc.
5. Any and all interest in all trademarks and copyrights relating to the Technology, including without limitation, associated goodwill, which Plaintiff Andrey Berg or Plaintiff Robert D. Francis currently holds, at any time heretofore held, or may hereafter acquire belongs to Seismic Sciences, Inc.

6. The above-identified civil action is dismissed with prejudice as to the Defendants Andrey Berg and Robert D. Francis. The above-identified civil action shall continue as to the Defendant Kyo Sun Kim.
7. Each party shall bear its own costs and attorneys' fees.
8. The Court shall retain jurisdiction over the parties and the subject of this action for the purpose of enforcing the settlement agreement pursuant to *Kokkonen v. Guardian Life Insurance Company of America*, 511 U.S. 375 (1994).
9. The outstanding motions to dismiss are denied as moot.

Dated this 14th day of May, 2007.

BY THE COURT

By: s/ William C. Griesbach
Honorable William C. Griesbach
District Court Judge